

Message Text

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C O N F I D E N T I A L STATE 101282

E.O. 11652: GDS

TAGS: MARR, US, GR

SUBJECT: SOUDA AB AGREEMENT NEGOTIATING INSTRUCTIONS

REF: A) ATHENS 1915; B) STATE 9123; C) STATE 252138;

D) STATE 84625; E) ATHENS 2670; F) STATE 94209;

G) ATHENS 1716, 1973

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1. FOLLOWING ARE STATE/DEFENSE COMMENTS ON SPECIFIC PROVISIONS OF GREEK DRAFT OF NEW SOUDA AB AGREEMENT PRESENTED TO EMBASSY ON MARCH 22. U.S. NEGOTIATORS SHOULD DRAW ON FOLLOWING AND CONTENTS OF REFTEL D IN FUTURE

DISCUSSIONS WITH GOG REPRESENTATIVES:

2. A. PREAMBLE: DELETE "EXCEPT AS HEREINAFTER SPECIFIED". STRONGLY PREFER REINSERTION OF DELETED SUB-PARAGRAPHS CONCERNING ADDITIONAL AGREEMENTS IN EFFECT. REASON: REFERENCE ONLY TO NATO SOFA MAY BE MISLEADING IN VIEW OF DETAILED LISTING IN EARLIER DRAFT.

B. ARTICLE 1:

(1) PARA 1. PREFER DELETION OF "RESTRICTION OF THE". REASON: REDUNDANT.

(2) PARA 4. DELETE. REASON: COMMENTS REF C PARA 4B(1) APPLY.

(3) PARA 5. DELETE "STRICTLY" AND PREFER CHANGE "OF THE TWO COUNTRIES WITHIN NATO" TO "OF THE TWO NATO COUNTRIES". REASON: PROPOSED GREEK LANGUAGE APPEARS TO EXCLUDE COOPERATION ON NON-NATO MATTERS.

C. ARTICLE 2

(1) PARA 2. MODIFY FIRST SENTENCE TO READ: "TO OPERATE ROTATIONAL DEPLOYED AIRCRAFT (NOT PERMANENTLY BASED) AS SHOWN IN ANNEX I IN A SIXTH FLEET/STRIKE FORCE SOUTH SUPPORT ROLE AND FOR TRAINING, FAMILIARIZATION AND LOGISTIC SUPPORT PURPOSES". REASON: CONFORM TO LANGUAGE OF UNEXECUTED THIRD AMENDMENT WHICH WAS AGREED TO IN PRINCIPLE IN 1972. IT MAY BE POSSIBLE TO ACCEPT GREEK WORDING HERE IF CLEARLY UNDERSTOOD TO ALLOW OPERATIONAL MARITIME PATROL FLIGHTS.

(2) PARA 2. SECOND SENTENCE, ADD: "EXCEPT AS SEPARATELY AGREED BETWEEN COMPETENT USN AND HELLENIC AF AUTHORITIES". REASON: TO COVER POSSIBILITY OF EXCHANGE OF CORRESPONDENCE AS DISCUSSED REF G COVERING CVW WORKUP REQUIRE-CONFIDENTIAL

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MENTS FOR FINAL WEEK OF WORKUP.

(3) PARA 2. INSERT FOLLOWING AFTER SECOND SENTENCE: "THE NUMBER OF U.S. NAVY AIRCRAFT DAILY SORTIES WILL NOT EXCEED A MAXIMUM OF 40 SORTIES EXCEPT AS SEPARATELY AGREED BETWEEN COMPETENT USN AND HELLENIC AF AUTHORITIES. A SORTIE IS DEFINED AS A FLIGHT WHICH BEGINS WHEN THE AIRCRAFT LEAVES THE PARKING AREA AND ENDS WHEN IT RETURNS TO THE PARKING AREA. TOUCH AND GO LANDINGS AND FIELD CARRIER LANDING PRACTICE MAY BE ACCOMPLISHED DURING THE SORTIE BUT DO NOT ADD TO SORTIE COUNT EXCEPT FOR PURPOSES OF COST SHARING AS OUTLINED IN ARTICLE 13 BELOW. REQUESTS FOR EXCEPTIONS TO THE ABOVE SORTIES AND AIRCRAFT LOADING LIMITS FOR BRIEF PERIODS NOT TO

EXCEED TWO WEEKS MAY BE SUBMITTED BY SEPARATE LETTER TO HAF C FOR CONSIDERATION AND APPROVAL. THE GREEK BASE COMMANDER IS AUTHORIZED, TAKING INTO CONSIDERATION ALL BASE REQUIREMENTS AND THE LOCAL AIR TRAFFIC CAPABILITIES

TO TEMPORARILY ADJUST THE ABOVE NUMBER OF SORTIES ACCORDINGLY, IF NECESSARY." REASON: FIRM UPPER LIMIT OF 40 SORTIES, COUNTING TOUCH AND GO LANDINGS AS SORTIES, IS NOT ADEQUATE FOR OPERATIONAL REQUIREMENTS, EVEN WITHOUT HOMEPORTED CVW. 40 SORTIES (EXCLUSIVE OF TOUCH AND GO'S) IS ACCEPTABLE AS UPPER LIMIT EXCEPT FOR FINAL WEEK OF CVW WORKUP WHEN 55 SORTIES PER DAY WILL BE REQUIRED. AS REPORTED REF G, HAF C AWARE OF THIS REQUIREMENT. PROPOSED LANGUAGE ESTABLISHES METHOD OF OBTAINING EXCEPTIONS FOR LIMITED PERIOD, ALONG LINES PREVIOUSLY DISCUSSED WITH HAF NEGOTIATORS (REF B). FYI. FOR THE FINAL SIX DAYS OF CVW WORKUP FOLLOWING STAND-DOWN, 55 DAILY SORTIES WITH 5 FCLP LANDINGS PER SORTIE WOULD BE REQUIRED. AS A STANDARD, ANYTIME THE CARRIER'S TEMPO OF OPERATIONS FALLS BELOW 48 DAYS PER QUARTER, SOME CVW TRAINING MUST BE CONDUCTED ASHORE. IF AT-SEA DAYS FALL TO 30 PER QUARTER, APPROX 31 ACFT WOULD BE STAGED AT VARIOUS MED FACILITIES, WITH AT LEAST 20 OF THESE UTILIZING SOUDA. THIS REQUIREMENT APPLIES TO BOTH DEPLOYED AND HOMEPORTED CVW AND IS BECOMING INCREASINGLY PERTINENT TO THE DEPLOYED CVW IN VIEW OF RECENT REDUCTIONS IN OPERATING TEMPO.

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(4) PARA 2. IN SENTENCE BEGINNING "IN CASE OF EMERGENCY ...", DELETE: "INVOLVING BOTH GREECE AND THE UNITED STATES OF AMERICA", "IN WHICH BOTH GREECE AND THE UNITED STATES OF AMERICA ARE INVOLVED", AND REPLACE "AMONGST WHICH" WITH "INCLUDING". REASON: INCLUSION OF THESE PHRASES SEEMS TO CALL INTO QUESTION GREECE'S COMMITMENT TO NATO.

(5) PARA 3. FOLLOWING "IN NO CASE CAN BE EXCEEDED". ADD: "WITHOUT PRIOR CONSENT OF APPROPRIATE HELLENIC AUTHORITIES". REASON: GOG LANGUAGE WOULD SEEM TO REQUIRE AMENDMENT OF AGREEMENT TO ALLOW INCREASE ABOVE 636, EVEN THOUGH I MAY BE IN CLEAR INTEREST OF BOTH PARTIES.

(6) PARA 4. INSERT "LOCAL" BEFORE "TRAINING AND FAMILIARIZATION" IN FIRST SENTENCE 4A. DELETE SENTENCE BEGINNING, "ESPECIALLY, GUNNERY....". PARA 4B. REPLACE "ALL OTHER FLIGHTS" WITH "TRAINING AND FAMILIARIZATION FLIGHTS OUTSIDE ATHENAI FIR/UIR". REASON: LANGUAGE AS PROPOSED TOO RESTRICTIVE.

(7) PARA 5. CHANGE TO READ: "THE U.S. NAVY WILL NOTIFY

THE BASE COMMANDER OF ALL PLANS FOR INTENDED USE OF THE AIRFIELD FOR SCHEDULED EXERCISES OR PERIODS OF INTENSE ACTIVITY NORMALLY SEVEN DAYS, BUT NOT LESS THAN 48 HOURS, IN ADVANCE. DAILY FLYING ACTIVITY PROGRAMS OF U.S. NAVY AIRCRAFT WILL BE SUBMITTED TO THE BASE COMMANDER FOR INFORMATION 24 HOURS IN ADVANCE WHEN POSSIBLE, BUT NOT LESS THAN SIX HOURS IN ADVANCE." REASON: REQUIREMENTS NOT ALWAYS KNOWN SUFFICIENTLY FAR IN ADVANCE TO MEET REQUIREMENTS OF GREEK DRAFT FOR ADVANCE NOTIFICATION. ABOVE LANGUAGE MORE REALISTIC. REQUIREMENT FOR PRIOR APPROVAL OF FLIGHT SCHEDULE BY HAF UNACCEPTABLE. FAILURE OF HAF TO APPROVE EITHER BECAUSE OF BUREAUCRATIC DELAY OR FOR POLICY REASONS WOULD RESULT IN DE FACTO UNILATERAL SUSPENSION OF AGREEMENT BY HAF.

(8) PARA 7. DELETE. REASON: UNNECESSARILY INFLEXIBLE.

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(9) PARA 8. DELETE. REASON: PROVISION GRANTING GOG UNILATERAL RIGHT OF SUSPENSION OR TERMINATION IS NOT ACCEPTABLE.

D. ARTICLE 3.

(1) PARA 3. PREFER INSERTION OF "REQUESTED" BEFORE "ASSISTANCE" IN LAST SENTENCE. REASON: CLARIFICATION.

(2) PARA 5. DELETE. REASON: CANNOT ACCEPT GOG EXCLUSIVE JURISDICTION OR CUSTODY. THIS IS CONTRARY TO NATO SOFA ARTICLE VII AS WELL AS CUSTODY PROVISIONS OF BILATERAL AGREEMENT. UNITED STATES REQUIRES UNIFORM CRIMINAL JURISDICTION PROVISIONS THROUGHOUT GREECE. NATO SOFA IS ABSOLUTE MINIMUM ACCEPTABLE HERE. FURTHERMORE, THIS PROVISION IN CONJUNCTION WITH PARA 1 WOULD APPEAR TO AUTHORIZE HAF TO EXERCISE COURT-MARTIAL JURISDICTION OVER U.S. PERSONNEL FOR OFFENSES COMMITTED ON BASE.

(3) PARA 7. DELETE. REASON: CONTRARY TO NATO SOFA ARTICLE VIII.

(4) PARA 8. REPLACE "ARE SUBJECT TO APPROVAL BY" WITH "WILL BE COORDINATED WITH".

E. ARTICLE 4. DELETE ENTIRE ARTICLE. REASON: PROVISIONS CONCERNING TAXES AND CUSTOMS DUTIES CANNOT BE

NEGOTIATED PIECEMEAL. ALL U.S. SERVICEMEN STATIONED IN GREECE MUST RECEIVE LIKE TREATMENT. USG WILLING TO

DISCUSS SEPARATELY SUBSTANCE OR APPLICATION OF RELEVANT AGREEMENTS IF GOG DESIRES, BUT NOT WILLING INCLUDE PROVISIONS CONTRARY TO MFA IN AGREEMENT FOR ANY BASE UTILIZED BY U.S. PURSUANT TO MFA.

F. ARTICLE 6. (1) PARA 8. DELETE. REASON: NOT CONSISTENT WITH ARTICLE II, PARA 3 OF MFA.

G. ARTICLE 9. (1) PARA 6. AFTER "EXISTING CAPABILITIES OF THE AIRFIELD" INSERT "AND FOR ITS EXCLUSIVE USE";
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FOLLOWING END OF SENTENCE ADD: ".... EXCEPT AS OTHERWISE AGREED." REASON: EXISTING LANGUAGE UNNECESSARILY INFLEXIBLE. HAF MAY ALSO DESIRE EXPANDED AIRFIELD CAPABILITY TO SUPPORT FUTURE OPERATIONS. IN THIS EVENTUALITY, COST SHARING WOULD BE APPROPRIATE.

H. ARTICLE 10. (1) PARA 4. PREFER DELETION. REASON: SEE REF C, PARA H(1).

I. ARTICLES 11 AND 12. DELETE. REASON: CONFLICT WITH NATO SOFA, ARTICLE VIII. IT IS NOT CLEAR PRECISELY WHAT PRIMARY INTEREST OF GOG IS IN THESE PROVISIONS. DISCUSSION MAY CLARIFY AND LEAD TO PROVISION(S) WHICH DOES NOT VIOLATE NATO SOFA AND IS ACCEPTABLE TO USG.

J. ARTICLE 13. (1) PARA 2.A. (8) DELETE. REASON: CONFLICTS WITH NATO SOFA, ARTICLE VIII.

(2) PARA 2.B. CHANGE TO READ "B-AVERAGE LANDING WEIGHT OF ALL OTHER AIRCRAFT, MULTIPLIED BY (X) - THE AVERAGE NUMBER OF LANDINGS AND TAKE-OFFS OF ALL OTHER AIRCRAFT QUARTERLY". REASON: PRESENT WORDING ALLOWS THIRD COUNTRY AIRCRAFT TO OPERATE WITHOUT SHARING IN OPERATIONAL COSTS.

K. ARTICLE 14. USG POSITION ON DURATION SAME AS REF C. PARA K.

3. ABOVE POINTS REPREST INITIAL NEGOTIATING POSITION. HOWEVER, PRESENT POSITION ON BASE LOADING AND SORTIE RATES WAS REACHED ONLY AS AN UNDESIRABLE FALLBACK POSITION DURING SERVICE-TO-SERVICE NEGOTIATIONS. NAVY IS WILLING TO NEGOTIATE COMPROMISES ON DURATION OF AGREEMENT AND TERMINATION PROVISIONS. HOWEVER, ASSURANCES HAVE BEEN GIVEN TO CONGRESS CONCERNING PENDING FY 73 AND FY 74 MILCON BASED ON DURATION OF AGREEMENT FOR LIFE OF NATO. ANY PERIOD LESS THAN THIS WILL REQUIRE FURTHER CONGRESSIONAL APPROVAL PRIOR TO COMMENCEMENT OF CONSTRUCTION. RUSH

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